

Public Law 106-351
106th Congress

An Act

Oct. 24, 2000

[H.R. 3676]

To establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California.

Santa Rosa and
San Jacinto
Mountains
National
Monument Act of
2000.
16 USC 431 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Santa Rosa and San Jacinto Mountains National Monument Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Establishment of Santa Rosa and San Jacinto Mountains National Monument, California.
- Sec. 3. Management of Federal lands in the National Monument.
- Sec. 4. Development of management plan.
- Sec. 5. Existing and historical uses of Federal lands included in Monument.
- Sec. 6. Acquisition of land.
- Sec. 7. Local advisory committee.
- Sec. 8. Authorization of appropriations.

SEC. 2. ESTABLISHMENT OF SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT, CALIFORNIA.

(a) **FINDINGS.**—Congress finds the following:

(1) The Santa Rosa and San Jacinto Mountains in southern California contain nationally significant biological, cultural, recreational, geological, educational, and scientific values.

(2) The magnificent vistas, wildlife, land forms, and natural and cultural resources of these mountains occupy a unique and challenging position given their proximity to highly urbanized areas of the Coachella Valley.

(3) These mountains, which rise abruptly from the desert floor to an elevation of 10,802 feet, provide a picturesque backdrop for Coachella Valley communities and support an abundance of recreational opportunities that are an important regional economic resource.

(4) These mountains have special cultural value to the Agua Caliente Band of Cahuilla Indians, containing significant cultural sites, including village sites, trails, petroglyphs, and other evidence of their habitation.

(5) The designation of a Santa Rosa and San Jacinto Mountains National Monument by this Act is not intended to impact upon existing or future growth in the Coachella Valley.

(6) Because the areas immediately surrounding the new National Monument are densely populated and urbanized, it is anticipated that certain activities or uses on private lands outside of the National Monument may have some impact upon

the National Monument, and Congress does not intend, directly or indirectly, that additional regulations be imposed on such uses or activities as long as they are consistent with other applicable law.

(7) The Bureau of Land Management and the Forest Service should work cooperatively in the management of the National Monument.

(b) ESTABLISHMENT AND PURPOSES.—In order to preserve the nationally significant biological, cultural, recreational, geological, educational, and scientific values found in the Santa Rosa and San Jacinto Mountains and to secure now and for future generations the opportunity to experience and enjoy the magnificent vistas, wildlife, land forms, and natural and cultural resources in these mountains and to recreate therein, there is hereby designated the Santa Rosa and San Jacinto Mountains National Monument (in this Act referred to as the “National Monument”).

(c) BOUNDARIES.—The National Monument shall consist of Federal lands and Federal interests in lands located within the boundaries depicted on a series of 24 maps entitled “Boundary Map, Santa Rosa and San Jacinto National Monument”, 23 of which are dated May 6, 2000, and depict separate townships and one of which is dated June 22, 2000, and depicts the overall boundaries.

(d) LEGAL DESCRIPTIONS; CORRECTION OF ERRORS.—

(1) PREPARATION AND SUBMISSION.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall use the map referred to in subsection (c) to prepare legal descriptions of the boundaries of the National Monument. The Secretary shall submit the resulting legal descriptions to the Committee on Resources and the Committee on Agriculture of the House of Representatives and to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(2) LEGAL EFFECT.—The map and legal descriptions of the National Monument shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct clerical and typographical errors in the map and legal descriptions. The map shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management and the Forest Service.

Public inspection.

SEC. 3. MANAGEMENT OF FEDERAL LANDS IN THE NATIONAL MONUMENT.

(a) BASIS OF MANAGEMENT.—The Secretary of the Interior and the Secretary of Agriculture shall manage the National Monument to protect the resources of the National Monument, and shall allow only those uses of the National Monument that further the purposes for the establishment of the National Monument, in accordance with—

- (1) this Act;
- (2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);
- (3) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.) and section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a); and
- (4) other applicable provisions of law.

(b) **ADMINISTRATION OF SUBSEQUENTLY ACQUIRED LANDS.**—Lands or interests in lands within the boundaries of the National Monument that are acquired by the Bureau of Land Management after the date of the enactment of this Act shall be managed by the Secretary of the Interior. Lands or interests in lands within the boundaries of the National Monument that are acquired by the Forest Service after the date of the enactment of this Act shall be managed by the Secretary of Agriculture.

(c) **PROTECTION OF RESERVATION, STATE, AND PRIVATE LANDS AND INTERESTS.**—Nothing in the establishment of the National Monument shall affect any property rights of any Indian reservation, any individually held trust lands, any other Indian allotments, any lands or interests in lands held by the State of California, any political subdivision of the State of California, any special district, or the Mount San Jacinto Winter Park Authority, or any private property rights within the boundaries of the National Monument. Establishment of the National Monument shall not grant the Secretary of the Interior or the Secretary of Agriculture any new authority on or over non-Federal lands not already provided by law. The authority of the Secretary of the Interior and the Secretary of Agriculture under this Act extends only to Federal lands and Federal interests in lands included in the National Monument.

(d) **EXISTING RIGHTS.**—The management of the National Monument shall be subject to valid existing rights.

(e) **NO BUFFER ZONES AROUND NATIONAL MONUMENT.**—Because the National Monument is established in a highly urbanized area—

(1) the establishment of the National Monument shall not lead to the creation of express or implied protective perimeters or buffer zones around the National Monument;

(2) an activity on, or use of, private lands up to the boundaries of the National Monument shall not be precluded because of the monument designation, if the activity or use is consistent with other applicable law; and

(3) an activity on, or use of, private lands, if the activity or use is consistent with other applicable law, shall not be directly or indirectly subject to additional regulation because of the designation of the National Monument.

(f) **AIR AND WATER QUALITY.**—Nothing in this Act shall be construed to change standards governing air or water quality outside of the designated area of the National Monument.

SEC. 4. DEVELOPMENT OF MANAGEMENT PLAN.

(a) **DEVELOPMENT REQUIRED.**—

Deadline.

(1) **IN GENERAL.**—Not later than 3 years after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall complete a management plan for the conservation and protection of the National Monument consistent with the requirements of section 3(a). The Secretaries shall submit the management plan to Congress before it is made public.

(2) **MANAGEMENT PENDING COMPLETION.**—Pending completion of the management plan for the National Monument, the Secretaries shall manage Federal lands and interests in lands within the National Monument substantially consistent with current uses occurring on such lands and under the general guidelines and authorities of the existing management plans

of the Forest Service and the Bureau of Land Management for such lands, in a manner consistent with other applicable Federal law.

(3) **RELATION TO OTHER AUTHORITIES.**—Nothing in this subsection shall preclude the Secretaries, during the preparation of the management plan, from implementing subsections (b) and (i) of section 5. Nothing in this section shall be construed to diminish or alter existing authorities applicable to Federal lands included in the National Monument.

(b) **CONSULTATION AND COOPERATION.**—

(1) **IN GENERAL.**—The Secretaries shall prepare and implement the management plan required by subsection (a) in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and in consultation with the local advisory committee established pursuant to section 7 and, to the extent practicable, interested owners of private property and holders of valid existing rights located within the boundaries of the National Monument. Such consultation shall be on a periodic and regular basis.

(2) **AGUA CALIENTE BAND OF CAHUILLA INDIANS.**—The Secretaries shall make a special effort to consult with representatives of the Agua Caliente Band of Cahuilla Indians regarding the management plan during the preparation and implementation of the plan.

(3) **WINTER PARK AUTHORITY.**—The management plan shall consider the mission of the Mount San Jacinto Winter Park Authority to make accessible to current and future generations the natural and recreational treasures of the Mount San Jacinto State Park and the National Monument. Establishment and management of the National Monument shall not be construed to interfere with the mission or powers of the Mount San Jacinto Winter Park Authority, as provided for in the Mount San Jacinto Winter Park Authority Act of the State of California.

(c) **COOPERATIVE AGREEMENTS.**—

(1) **GENERAL AUTHORITY.**—Consistent with the management plan and existing authorities, the Secretaries may enter into cooperative agreements and shared management arrangements, which may include special use permits with any person, including the Agua Caliente Band of Cahuilla Indians, for the purposes of management, interpretation, and research and education regarding the resources of the National Monument.

(2) **USE OF CERTAIN LANDS BY UNIVERSITY OF CALIFORNIA.**—In the case of any agreement with the University of California in existence as of the date of the enactment of this Act relating to the University's use of certain Federal land within the National Monument, the Secretaries shall, consistent with the management plan and existing authorities, either revise the agreement or enter into a new agreement as may be necessary to ensure its consistency with this Act.

SEC. 5. EXISTING AND HISTORICAL USES OF FEDERAL LANDS INCLUDED IN MONUMENT.

(a) **RECREATIONAL ACTIVITIES GENERALLY.**—The management plan required by section 4(a) shall include provisions to continue to authorize the recreational use of the National Monument, including such recreational uses as hiking, camping, mountain

biking, sightseeing, and horseback riding, as long as such recreational use is consistent with this Act and other applicable law.

(b) **MOTORIZED VEHICLES.**—Except where or when needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the National Monument shall be permitted only on roads and trails designated for use of motorized vehicles as part of the management plan.

(c) **HUNTING, TRAPPING, AND FISHING.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary of the Interior and the Secretary of Agriculture shall permit hunting, trapping, and fishing within the National Monument in accordance with applicable laws (including regulations) of the United States and the State of California.

(2) **REGULATIONS.**—The Secretaries, after consultation with the California Department of Fish and Game, may issue regulations designating zones where, and establishing periods when, no hunting, trapping, or fishing will be permitted in the National Monument for reasons of public safety, administration, or public use and enjoyment.

(d) **ACCESS TO STATE AND PRIVATE LANDS.**—The Secretaries shall provide adequate access to nonfederally owned land or interests in land within the boundaries of the National Monument, which will provide the owner of the land or the holder of the interest the reasonable use and enjoyment of the land or interest, as the case may be.

(e) **UTILITIES.**—Nothing in this Act shall have the effect of terminating any valid existing right-of-way within the Monument. The management plan prepared for the National Monument shall address the need for and, as necessary, establish plans for the installation, construction, and maintenance of public utility rights-of-way within the National Monument outside of designated wilderness areas.

(f) **MAINTENANCE OF ROADS, TRAILS, AND STRUCTURES.**—In the development of the management plan required by section 4(a), the Secretaries shall address the maintenance of roadways, jeep trails, and paths located in the National Monument.

(g) **GRAZING.**—The Secretaries shall issue and administer any grazing leases or permits in the National Monument in accordance with the same laws (including regulations) and Executive orders followed by the Secretaries in issuing and administering grazing leases and permits on other land under the jurisdiction of the Secretaries. Nothing in this Act shall affect the grazing permit of the Wellman family (permittee number 12-55-3) on lands included in the National Monument.

(h) **OVERFLIGHTS.**—

(1) **GENERAL RULE.**—Nothing in this Act or the management plan prepared for the National Monument shall be construed to restrict or preclude overflights, including low-level overflights, over lands in the National Monument, including military, commercial, and general aviation overflights that can be seen or heard within the National Monument. Nothing in this Act or the management plan shall be construed to restrict or preclude the designation or creation of new units of special use airspace or the establishment of military flight training routes over the National Monument.

(2) **COMMERCIAL AIR TOUR OPERATION.**—Any commercial air tour operation over the National Monument is prohibited

unless such operation was conducted prior to February 16, 2000. For purposes of this paragraph, "commercial air tour operation" means any flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing.

(i) **WITHDRAWALS.**—

(1) **IN GENERAL.**—Subject to valid existing rights as provided in section 3(d), the Federal lands and interests in lands included within the National Monument are hereby withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the public land mining laws; and

(C) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

(2) **EXCHANGE.**—Paragraph (1)(A) does not apply in the case of—

(A) an exchange that the Secretary determines would further the protective purposes of the National Monument; or

(B) the exchange provided in section 6(e).

SEC. 6. ACQUISITION OF LAND.

(a) **ACQUISITION AUTHORIZED; METHODS.**—State, local government, tribal, and privately held land or interests in land within the boundaries of the National Monument may be acquired for management as part of the National Monument only by—

(1) donation;

(2) exchange with a willing party; or

(3) purchase from a willing seller.

(b) **USE OF EASEMENTS.**—To the extent practicable, and if preferred by a willing landowner, the Secretary of the Interior and the Secretary of Agriculture shall use permanent conservation easements to acquire interests in land in the National Monument in lieu of acquiring land in fee simple and thereby removing land from non-Federal ownership.

(c) **VALUATION OF PRIVATE PROPERTY.**—The United States shall offer the fair market value for any interests or partial interests in land acquired under this section.

(d) **INCORPORATION OF ACQUIRED LANDS AND INTERESTS.**—Any land or interest in lands within the boundaries of the National Monument that is acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of the National Monument as provided in section 3(b).

(e) **LAND EXCHANGE AUTHORIZATION.**—In order to support the cooperative management agreement in effect with the Agua Caliente Band of Cahuilla Indians as of the date of the enactment of this Act, the Secretary of the Interior may, without further authorization by law, exchange lands which the Bureau of Land Management has acquired using amounts provided under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.), with the Agua Caliente Band of Cahuilla Indians. Any such land exchange may include the exchange of federally owned property within or outside of the boundaries of the National Monument for property owned by the Agua Caliente Band of Cahuilla Indians within or outside of the boundaries of the National Monument.

The exchanged lands acquired by the Secretary within the boundaries of the National Monument shall be managed for the purposes described in section 2(b).

SEC. 7. LOCAL ADVISORY COMMITTEE.

(a) **ESTABLISHMENT.**—The Secretary of the Interior and the Secretary of Agriculture shall jointly establish an advisory committee for the National Monument, whose purpose shall be to advise the Secretaries with respect to the preparation and implementation of the management plan required by section 4.

(b) **REPRESENTATION.**—To the extent practicable, the advisory committee shall include the following members:

(1) A representative with expertise in natural science and research selected from a regional college or university.

(2) A representative of the California Department of Fish and Game or the California Department of Parks and Recreation.

(3) A representative of the County of Riverside, California.

(4) A representative of each of the following cities: Palm Springs, Cathedral City, Rancho Mirage, La Quinta, Palm Desert, and Indian Wells.

(5) A representative of the Agua Caliente Band of Cahuilla Indians.

(6) A representative of the Coachella Valley Mountains Conservancy.

(7) A representative of a local conservation organization.

(8) A representative of a local developer or builder organization.

(9) A representative of the Winter Park Authority.

(10) A representative of the Pinyon Community Council.

(c) **TERMS.**—

(1) **STAGGERED TERMS.**—Members of the advisory committee shall be appointed for terms of 3 years, except that, of the members first appointed, one-third of the members shall be appointed for a term of 1 year and one-third of the members shall be appointed for a term of 2 years.

(2) **REAPPOINTMENT.**—A member may be reappointed to serve on the advisory committee upon the expiration of the member's current term.

(3) **VACANCY.**—A vacancy on the advisory committee shall be filled in the same manner as the original appointment.

(d) **QUORUM.**—A quorum shall be eight members of the advisory committee. The operations of the advisory committee shall not be impaired by the fact that a member has not yet been appointed as long as a quorum has been attained.

(e) **CHAIRPERSON AND PROCEDURES.**—The advisory committee shall elect a chairperson and establish such rules and procedures as it deems necessary or desirable.

(f) **SERVICE WITHOUT COMPENSATION.**—Members of the advisory committee shall serve without pay.

(g) **TERMINATION.**—The advisory committee shall cease to exist on the date upon which the management plan is officially adopted by the Secretaries, or later at the discretion of the Secretaries.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved October 24, 2000.

LEGISLATIVE HISTORY—H.R. 3676:

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